
V. REMARKS

Claims 1-4, 8-19, 22-25 and 30-34 are rejected under the judicially created doctrine of obviousness-type double patent as being unpatentable over claims 1-28 of U.S. Patent No. 6,575,220 in view of Schnitzer et al. (U.S. Patent No. 6,547,914). The rejection is respectfully traversed.

A Terminal Disclaimer is filed herewith to overcome this rejection. Thus, it is respectfully submitted that claims 1-4, 8-19, 22-25 and 30-34 are now believed to be in condition for allowance.

Withdrawal of the rejection is respectfully requested.

Claims 5-7 and 26-29 are rejected under the judicially created doctrine of obviousness-type double patent as being unpatentable over claims 1-28 of U.S. Patent No. 6,575,220 in view of Schnitzer and McIntyre (U.S. Patent No. 4,880,490). The rejection is respectfully traversed.

Claims 5-7 depend from claim 1 and include all of the features of claim 1. Claims 26-29 depend from claim 22 and include all of the features of claim 22. Thus, it is respectfully submitted that the dependent claims are allowable at least for the reason the independent claims are allowable as well as for the features they recite.

Withdrawal of the rejection is respectfully requested.

The Office Action states that should claim 3 be found allowable, claim 4 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. The same is applied to claim 10 relative to claim 13 as well as claim 32 relative to claim 33. Applicants respectfully disagree.

Both of claims 3 and 4, both of claims 10 and 13 and both of claims 32 and 33 are directed to different embodiments and therefore these claims are not substantial duplicates of each other. It is respectfully submitted that the Examiner's objections are unreasonable or there is a misinterpretation of the claims in question.

Claim 3 is directed to embodiment 2 (page 35, line 21-page 36, line 2 of the specification, Figures 9a-9c) and claim 4 is directed to the embodiment 1 (page 20, line 5-11 of the specification, Figures 5a-5c).

Claim 10 has been amended as a result of a mistranslation of the Japanese specification into the English-language specification. Claim 10 is directed to embodiment 1 (page 25, lines 2-7 of the specification, Figures 4a and 4b) and claim

13 is directed to embodiment 4 (page 38, lines 24-25 of the specification, Figures 11a-11c).

Claim 32 is directed to embodiments 1, etc. (page 23, lines 20-23 of the specification, figures 5a - 5c) and claim 33 is directed to embodiment 13 (page 47, line 24-page 48, line 5 of the specification, Figures 24b and 24c).

For the reasons set forth above, it is respectfully submitted that the alleged duplicate claims are not duplicate of each other.

Claims 20, 21 and 35-43 are objected to under 37 CFR 1.75 (c) as being in improper form because a multiple dependent claim cannot depend from another multiple dependent claim.

It is respectfully submitted that a Preliminary Amendment was filed with United States Patent and Trademark Office on March 19, 2002, that was made to correct the multiple dependencies of the claims. Specifically, as amended, claim 20 depends from any one of claims 1 to 3, 5, 6, 8 to 12 and 14 to 19 and claim 21 depends from any one of claims 1 to 3, 5, 6, 8 to 12 and 14 to 19. Also, claim 35 depends from claims 25 to 27; claim 36 depends from claims 24 to 27, claim 37 depends from claims 24 to 27 and claim 41 depends from claims 24 to 27. It is respectfully submitted that none of the claims from which these amended claims depend are multiple dependent claims.

Withdrawal of the objection is respectfully requested.

Other minor amendments have been made to claims 10, 20, 21 and 43 so that the claims are in compliance with the rules of practice and/or are clarified.

In view of the foregoing, reconsideration of the application and allowance of the pending claims are respectfully requested. Should the Examiner believe anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' representative at the telephone number listed below.

Should additional fees be necessary in connection with the filing of this paper or if a Petition for Extension of Time is required for timely acceptance of the same, the Commissioner is hereby authorized to charge Deposit Account No. 18-0013 for any such fees and Applicant(s) hereby petition for such extension of time.

Respectfully submitted,

Date: December 2, 2003

By:



David T. Nikaido
Reg. No. 22,663

Carl Schaukowitch
Reg. No. 29,211

RADER, FISHMAN & GRAUER PLLC
1233 20th Street, N.W. Suite 501
Washington, D.C. 20036
Tel: (202) 955-3750
Fax: (202) 955-3751
Customer No. 23353

Enclosure(s): Petition for Extension of Time (two months)
 Terminal Disclaimer

DC140533